



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING COMMISSION

*Promoting the wise use of land
Helping build great communities*

MEETING DATE October 13, 2016	CONTACT/PHONE Jo Manson 781-4660/jmanson@co.slo.ca.us	APPLICANT Fortune Realty, LLC and Sean H. McGrath	FILE NO. SUB2005-00054
SUBJECT A request for a second time extension by Fortune Realty, LLC and Sean H. McGrath for Vesting Tentative Tract Map 2779 and Conditional Use Permit to allow for a 1) planned development, 2) subdivision of an approximate 2.2 acre parcel into 31 parcels of 2,040 to 4,585 square feet each, and 3) allow for grading and construction of 31 detached, two-story residences with attached garages, approximately 1,713 to 1,739 square feet each. The project includes off-site road improvements to 12 th Street, and a connection to La Bova Street. The project will result in the disturbance of the entire 2.2 acre parcel. The division will create one on-site road (La Bova Street). The proposed project is within the Residential Multi-Family land use category and is located on the southern side of 12 th Street, approximately 340 feet east of N Street in the community of San Miguel. The site is in the Salinas River Sub-area in the North County Planning Area.			
RECOMMENDED ACTION Approve the second time extension request for Vesting Tentative Tract Map 2779 and Conditional Use Permit.			
ENVIRONMENTAL DETERMINATION A Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued on July 11, 2006 for this project. The Negative Declaration was approved by the Board of Supervisors on September 26, 2006.			
LAND USE CATEGORY Residential Multi-Family	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 021-401-001	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: Sec. 22.104.060 – Compliance with the San Miguel Community Design Plan Does the project conform to the Planning Area Standards – Yes			
LAND USE ORDINANCE STANDARDS: Ch. 22.10 – Development Standards (Lighting, fencing, screening, density, setbacks), Ch. 22.16 – Landscaping, Ch. 22.18 – Parking, Sec. 22.22.080 – Residential Multi-Family Subdivision Design			
EXISTING USES: Undeveloped.			
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Single-Family / undeveloped East: Residential Single-Family / residential South: Residential Multi Family / residential West: Residential Multi-Family / residential			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: Tentative vesting tract map and conditional use permit was originally referred to San Miguel Community Advisory Group, Public Works, Environmental Health, Ag Commissioner, County Parks, San Miguel Fire Department, San Miguel Community Services District and APCD.			
TOPOGRAPHY: Nearly level		VEGETATION: Ruderal, ornamental landscaping	
PROPOSED SERVICES: Water supply: Community System Sewage Disposal: Community sewage disposal system Fire Protection: San Miguel Fire Department		ACCEPTANCE DATE: N/A	
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

TIME EXTENSION REQUEST/PROJECT DESCRIPTION

Vesting Tentative Tract Map 2779 and Conditional Use Permit were approved by the Board of Supervisors on September 26, 2006 and is set to expire on September 26, 2016. On August 3, 2016, the applicant requested the **second one year time extension and paid the extension application fee**. If a time extension request is submitted on or before the expiration date, it remains valid until acted on by the decision making body. (A time extension for a tentative map also extends the life of the related conditional use permit if it is required as a part of the subdivision process).

Vesting Tentative Tract Map 2779 and Conditional Use Permit is a request by Fortune Realty, LLC and Sean H. McGrath for Vesting Tentative Tract Map 2779 and Conditional Use Permit to allow for a 1) planned development, 2) subdivision of an approximate 2.2 acre parcel into 31 parcels of 2,040 to 4,585 square feet each, and 3) allow for grading and construction of 31 detached, two-story residences with attached garages, approximately 1,713 to 1,739 square feet each. The project includes off-site road improvements to 12th Street, and a connection to La Bova Street. The project will result in the disturbance of the entire 2.2 acre parcel. The division will create one on-site road (La Bova Street). This vesting tentative map is not yet ready to record. Additional time is necessary to comply with the conditions of approval. Time extensions for vesting tentative maps are discretionary; however, they have historically been processed as an administrative action and placed on the consent agenda for notification purposes for both the Planning Commission and the public.

DISCUSSION

The Subdivision Map Act & Real Property Division Ordinance

The Subdivision Map Act provides that a conditionally approved vesting tentative map shall expire twenty-four (24) months after its conditional approval. The original expiration date was September 26, 2008. The Planning Commission approved a first one year time extension request on October 22, 2015 and the new expiration date was September 26, 2016. With recent amendments, the Subdivision Map Act now allows up to six (6) one year discretionary time extensions (without legislative time extensions). The applicant must request each of the *discretionary* time extensions. This request is the applicant's **second discretionary one year time extension request**.

The Subdivision Map Act was amended in 2008, 2009, 2011 and 2013 to provide tentative maps with "automatic, state-mandated" extensions that are above and beyond the six (6) one year time extensions as follows:

Senate Bill 1185 (California Government Code Section 66452.21) – If a tentative map was approved before and not expired on July 15, 2008 and will expire between July 15, 2008 and January 1, 2011 – extends the tentative map twelve (12) months. Vesting Tentative Tract 2779 was extended to September 26, 2009.

Assembly Bill 333 (California Government Code Section 66452.22) – If a tentative map was approved before and not expired on July 15, 2009 and will expire between July 15, 2009 and January 1, 2012 – extends the tentative map twenty four (24) months. Vesting Tentative Tract 2779 was extended to September 26, 2011.

Assembly Bill 208 (California Government Code Section 66452.23) – If a tentative map was approved before and not expired on July 15, 2011 and will expire between July 15, 2011 and January 1, 2014 – extends the tentative map twenty four (24) months. Vesting Tentative Tract 2779 was extended to September 26, 2013.

Assembly Bill 116 (California Government Code Section 66452.24(a)) – If a tentative map was approved after January 1, 2000 and not expired on July 15, 2013 and will expire between July 15, 2013 and January 1, 2016 – extends the tentative map twenty four (24) months. Vesting Tentative Tract 2779 was extended to September 26, 2015.

Staff Determination and Recommendation

This time extension request has been reviewed by staff. It complies with The Subdivision Map Act and Section 21.06.010 of the Real Property Division Ordinance, and remains in compliance with the General Plan and County ordinances.

After review of the vesting tentative map, staff recommends to the Planning Commission that the **second one year time extension** be granted to September 26, 2017 subject to the conditions of approval set by the Board of Supervisors on September 26, 2006 in accordance with Resolution No. 2006-329.

ATTACHMENTS

Attachment 1 - Project Graphics
Attachment 2 - Board of Supervisors Resolution 2006-329

Staff report prepared by Jo Manson and reviewed by Terry Wahler, Senior Planner.